UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re: **PATRIOT COAL CORPORATION, *et al.*,** **Debtors.**[1]	**Chapter 11** **Case No. 12-51502-659** **(Jointly Administered)** **Hearing Date (if necessary):** **April 23, 2013 at 10:00 a.m.** **(prevailing Central Time)** **Hearing Location:** **Courtroom 7 North**

REPLY OF THE DEBTORS AND THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO PEABODY'S OBJECTION TO THE MOTION FOR LEAVE TO CONDUCT DISCOVERY OF PEABODY ENERGY CORPORATION PURSUANT TO RULE 2004

Peabody[2] would like to dictate the scope of the Movants' investigation just as Peabody dictated the terms of Patriot's creation. Indeed, because Peabody cannot argue that the Movants' requests for information exceed the scope of discovery authorized by Rule 2004, Peabody complains that the Movants' requests are unnecessary because the Movants ought to be satisfied with the information that Peabody has decided it will produce. But Rule 2004, governing caselaw, and simple logic refute Peabody's contention that the target of an investigation into potential claims—rather than the Court and the estate fiduciaries carrying out the investigation—can decide what documents are necessary for a thorough consideration of those potential claims.

[1] The Debtors are the entities listed on Schedule 1 attached hereto. The employer tax identification numbers and addresses for each of the Debtors are set forth in the Debtors' chapter 11 petitions.

[2] Capitalized terms not defined herein have the meaning ascribed to them in the Motion of the Debtors and the Official Committee of Unsecured Creditors for Leave to Conduct Discovery of Peabody Energy Corporation Pursuant to Rule 2004 [ECF 3494] (the "**Motion**" or "**Mot**.").

This Motion is not the place to address Peabody's lengthy argument that it bears no responsibility for Patriot's bankruptcy. But Peabody's detailed recitation demonstrates that the matters under investigation are complex, and that serious care and thorough discovery will be necessary to determine the full extent and value of potential claims arising out of the Spinoff. That said, the scope of matters remaining in dispute is considerably narrower than when the Motion was filed on April 2. Peabody has agreed to produce and restore email for the nine Future Patriot Employees who moved to Patriot in connection with the Spinoff, and to produce documents dating from January 1, 2005 through May 1, 2008. The Movants welcome this development.[3] Yet three disputes remain:

First, Peabody's proposal to restore only four sets of backup tapes will, as Peabody itself admits, ensure that potentially responsive emails will fall in gaps between the restoration points. Moreover, Peabody has not cited a single case to rebut—and thus concedes—the Movants' showing that any burden of restoring these tapes is outweighed by the need to obtain the documents they contain. Peabody's unilateral statement that four restorations are enough cannot trump the governing caselaw or the Movants' need for a complete investigation.

Second, Peabody's "custodian-based" search does not excuse Peabody from the obligation to search for responsive documents in locations where Peabody knows or learns that responsive documents are likely to be found.

[3] Peabody argues that it would have made these concessions had the Movants not "ignored Peabody's last request for a conference." (Peabody's Objection to the Motion of the Debtors and the Official Committee of Unsecured Creditors for Leave to Conduct Discovery of Peabody Energy Corporation Pursuant to Rule 2004 [ECF 3674] (the "**Objection**" or "**Obj.**") at 7.) The Movants ignored no such request. Indeed, as an impasse became apparent, the Movants sent Peabody a letter noting that Court intervention might be necessary if Peabody would not alter its position on four key points, including its refusal to produce email from the Future Patriot Employees and documents post-dating the October 31 Spinoff. (Ex. A at 4.) In its responsive letter, Peabody simply "decline[d]" to do either. (Mot., Ex. H at 6.) After over seven weeks of negotiations, and having received a letter that reiterated Peabody's flat refusal to agree to either point, it is not credible to suggest that Peabody was ready to make additional concessions if the Movants had only permitted Peabody to extend negotiations for yet another week.

Third, exclusion of the UMWA from full participation in the Committee's investigation, as requested by Peabody, would disrupt the operation of the Committee with respect to a key issue and impede the UMWA's fulfillment of its fiduciary duties to all unsecured creditors. Moreover, the parties have largely agreed to a form of protective order that would eliminate any risk of prejudice to Peabody in the West Virginia Action that might be posed by the UMWA's involvement here.

For all the foregoing reasons, and for the reasons set out in the Motion, the Motion should be granted.

ARGUMENT

The Movants Are Entitled to Discovery of Peabody Under Rule 2004

A. The Movants Require Discovery from Peabody Regarding the Spinoff

1. Rule 2004 authorizes a broad investigation of matters concerning a debtor's estate. Case after case—including the very cases Peabody cites in its Objection—describes Rule 2004's scope as "broad" and authorizing an "exploratory and groping" investigation. In re Apex Oil Co., 101 B.R. 92, 102 (Bankr. E.D. Mo. 1989) (citing In re Vantage Petroleum Corp., 34 B.R. 650, 651 (Bankr. E.D.N.Y. 1983)); In re Texaco, Inc., 79 B.R. 551, 553 (Bankr. S.D.N.Y. 1987) ("Rule 2004 affords a party in interest an opportunity to conduct a wide-ranging examination . . . ."). Accordingly, the Movants' proposed Rule 2004 subpoena, which targets the information necessary to their investigation of the Spinoff and evaluation of potential claims is within the scope of Rule 2004 and "prima facie consistent with [Rule 2004's] stated purposes." See In re Recoton Corp., 307 B.R. 751, 756 (Bankr. S.D.N.Y. 2004). Even Peabody cannot deny that Rule 2004 examinations have a "broad reach" (Obj. at ¶ 4), and Peabody does not attempt to

argue that the discovery the Movants seek is not directly related to the Movants' investigation of potential estate causes of action.[4]

1. Rule 2004 Discovery Is Appropriate Because No Relevant Adversary Proceeding Is Pending

2. Absent a valid argument that the Movants' Rule 2004 request falls outside the broad scope of a Rule 2004 examination, Peabody predicts that an "adversary proceeding likely will be filed against Peabody" and argues that, as a result, the Movants may not obtain Rule 2004 discovery at all.[5] (Obj. at ¶ 5.) But the Court need not forecast whether an adversary proceeding is "likely" to be filed at some later date, as not a single case Peabody cites holds that Rule 2004 discovery is inappropriate when an adversary proceeding is "likely." These cases hold that Rule 2004 discovery may not be employed when an adversary proceeding is pending. See, e.g., In re Valley Forge Plaza Assocs., 109 B.R. 669, 674 (Bankr. E.D. Pa. 1990) ("[O]nce an adversary proceeding or a particular contested matter is under way, discovery sought in furtherance of litigation is subject to the F.R.Civ.P. rather than the broader bounds of R2004." (emphasis added)); see also 2435 Plainfield Ave. Inc. v. Twp. of Scotch Plains (In re 2435 Plainfield Ave., Inc.), 223 B.R. 440, 456 (Bankr. D.N.J. 1998) ("[C]ourts will usually not allow a 2004 exam where an adversary proceeding is pending." (internal quotation marks omitted) (emphasis added)). When no such proceedings are pending—as is the case here—Rule 2004 discovery is

[4] That Rule 2004 discovery is intended to allow "a quick fishing expedition" does not, as Peabody tries to imply, mean that the discovery conducted under the rule is not searching. In addition to highlighting the breadth of discovery the rule authorizes, numerous cases explain that the rule is intended to allow speedy (i.e., "quick") discovery so that estate fiduciaries may "quickly gather the information they need" to investigate matters relating to a debtor's estate. In re Marathe, 459 B.R. 850, 856 (Bankr. M.D. Fla. 2011) (citation omitted); see id. (in light of Rule 2004's purpose, motions under the rule "may be granted ex parte, without a hearing"); see also In re French, 145 B.R. 991, 992 (Bankr. D.S.D. 1992).

[5] At the outset, the facts that estate fiduciaries are discharging their duty to investigate potential claims and that Patriot has offered to create a litigation trust as part of its Fifth Section 1114 proposal do not demonstrate that a complaint is imminent. Indeed, the importance of these potential claims to the estate and its creditors shows precisely why a thorough investigation into the value of these claims through Rule 2004 is required.

not only the appropriate vehicle for discovery but is in fact the only vehicle for discovery. See In re Mirant Corp., 326 B.R. 354, 357 (Bankr. N.D. Tex. 2005) (prior to litigation "discovery may only be had under Rule 2004").

3. It is, therefore, unsurprising that courts have repeatedly and handily rejected similar efforts to manufacture a "likely to be filed" exception to Rule 2004 discovery. See id. at 356 ("As to Respondents' argument that the production ought not to occur under Rule 2004 when it is to aid litigation which is sure to be filed, . . . Rule 2004 contains no [such] exceptions."); In re Sutera, 141 B.R. 539, 542 (Bankr. D. Conn. 1992) (rejecting the argument that the Federal Rules of Civil Procedure governed discovery because the party from whom discovery was sought was an "expected adverse party" (internal quotation marks omitted)); see also In re Drexel Burnham Lambert Grp., Inc., 123 B.R. 702, 709-10 (Bankr. S.D.N.Y. 1991) ("[I]t is no defense to the production of information that an applicant for [a Rule 2004] examination seeks information to prosecute an action against the witness"). Peabody's alleged exception would hopelessly frustrate Rule 2004's purpose of "provid[ing] the mechanism for a trustee to fulfill [the] obligation" to evaluate the strengths and weaknesses of estate causes of action. See Motor Coach Indus., Inc. v. Drewes (In re Rosenberg), 303 B.R. 172, 176 (B.A.P. 8th Cir. 2004); see also In re ECAM Publ'ns, Inc., 131 B.R. 556, 560 (Bankr. S.D.N.Y. 1991) (rejecting the argument that the Federal Rules of Civil Procedure should govern "when the debtor or trustee 'is in a position to file a complaint'" because such a rule "would preclude the use of Rule 2004 for that which it was intended"). Until an adversary proceeding is pending—and Rule 26 discovery is available—Rule 2004 remains the appropriate means for estate fiduciaries to conduct discovery essential to their investigation.

2. The Discovery the Movants Request Is Essential to an Adequate Investigation of Potential Estate Causes of Action

4. The Movants bear a responsibility not only to determine whether any potential estate causes of action exist, but also to investigate the strengths and weaknesses of such claims, and to determine whether they "[have] value which can be realized for the benefit of creditors of the estate." In re Rosenberg, 303 B.R. at 176. Peabody's argument that the Movants do not require Rule 2004 discovery because, in Peabody's opinion, they "already have access to sufficient information from which to determine whether to file suit" (Obj. at ¶ 8) therefore falls flat. Peabody's belabored argument that Patriot was adequately capitalized as of the Spinoff demonstrates that the facts and circumstances of the Spinoff require careful analysis and serious consideration. The Movants have every right to conduct a thorough investigation to determine whether and what claims might be brought and against whom. The fact that Peabody believes the Movants already have all they require is of no moment.[6]

5. Peabody's refrain that Patriot has access to certain historical information about Patriot entities preceding the Spinoff and access to certain former Peabody employees (i.e., the Future Patriot Employees) also fails to appreciate the nature of the Movant's discovery requests. The Movants do not seek information that is already in Patriot's possession. What the Movants request from Peabody is information that Patriot does not have, including, among other examples set out in the Motion, communications among Peabody employees assessing Patriot's prospects and explaining Peabody's purposes in designing and executing the Spinoff. Peabody does not argue that these communications are irrelevant to an investigation of potential estate claims. Yet,

[6] As the Recoton court noted, Rule 2004 discovery might be unnecessary where the target of an investigation admits "that there are valid claims" that could be brought. See In re Recoton, 307 B.R. at 756 n.2 (permitting Rule 2004 discovery and noting that an "admission" by the targets of discovery that the estate has "valid claims" might render an investigation unnecessary). Unless Peabody is willing to stipulate that the Debtors have "valid claims" against Peabody, Rule 2004 discovery is required.

Peabody insists that Rule 2004 discovery is not necessary because of Patriot's "independent access" to some relevant information. (Obj. at ¶ 8.)

6. The Mirant decision establishes that Rule 2004 discovery is an entirely proper means of investigating a debtor's former parent entity. The Mirant court authorized the creditors' committee to employ Rule 2004 in connection with "investigations of The Southern Company's . . . relationship with" Mirant, which had been spun off from The Southern Company. In re Mirant, 326 B.R. at 355. In granting the creditors' committee's Rule 2004 motion, the Mirant court noted that "it is in the public interest that" The Southern Company's role in the spinoff of Mirant "be shown through a proper investigation."[7] Id. at 356. The Mirant court's decision proved clairvoyant: a complaint was ultimately filed, which The Southern Company paid $202 million to settle. (Ex. B.)

B. Peabody Cannot Unilaterally Dictate the Terms of Discovery

1. Peabody's Offer to Restore Four Daily Backups of Email Remains Insufficient

7. Peabody should be required to restore one restoration point per month for the agreed date range. Such a restoration schedule will impose relatively limited burdens on Peabody and is the sole means of obtaining years' worth of relevant documents not available from any other source. (Mot. at ¶ 26); see In re Veeco Instruments Inc. Sec. Litig., No. 05 MD 1695, 2007 WL 983987, at *1 (S.D.N.Y. Apr. 2, 2007). Nothing in Peabody's Objection rebuts the Movants' showing that they have "good cause" to request that Peabody restore monthly

[7] Peabody's reliance on In re GHR Energy Corporation., 35 B.R. 534 (D. Mass. 1983) is thus unavailing. In any event, that decision was based on the flawed premise that a debtor's use of Rule 2004 should be circumscribed because "Rule 2004 is creditor and trustee oriented." Id. at 537. GHR Energy accordingly has no bearing here, as the instant investigation is being carried out by the Committee as well as the Debtors, and debtors in possession such as Patriot, like trustees, have a duty to maximize the value of the estate. Lange v. Schropp (In re Brook Valley IV), 347 B.R. 662, 673 (B.A.P. 8th Cir. 2006) ("[A] debtor-in-possession[] is obligated to use best efforts to so maximize the value of the debtor's estate.").

email backups over the agreed date range, or undermines the Movants' demonstration that limiting restoration to four restoration points guarantees a number of sent emails will not be discovered.[8] Peabody concedes—as it must—that its prior practice of automatically deleting email after certain periods of time means that Peabody's backup tapes are the only source for email for at least nearly two years of the agreed date range.[9] Nowhere does Peabody contest the Movants' representation that Peabody itself estimates that extraction of each restoration point would cost only $330. Peabody provides no specific information about cost or burden, only a bare assertion that further restoration would pose "vastly greater cost." (Obj. at 2.) And Peabody fails to dispute that the relevant legal standard requires Peabody to restore backup tapes when restoration is the only means of obtaining relevant information not available through any other source.

8. In light of these undisputed facts and standards, Peabody's offer to restore only four sets of backup tapes is insufficient. In the first instance, Peabody cannot even state with reasonable certainty that restoration of four tapes will allow for discovery of received email for the entire agreed time period. Indeed, Peabody states that each tape "should" include one year's worth of received email for each custodian, and that the Movants "could retrieve most, if not all" of the email for the agreed time period "by strategically choosing the dates" for the four restoration points. (Obj. at ¶ 25.) But Peabody can make no guarantees that a custodian did not delete relevant received email, only a days' worth of which is available at any given restoration

[8] See Obj. at ¶ 25 n.33 ("Peabody recognizes that, as sent emails were deleted every 60 days, some sent emails may not be included in its four-tape restoration.").

[9] See Obj. at ¶ 11 (stating that, "under the [Peabody email] system's retention parameters," email accessible to the Future Patriot Employees at the time of the Spinoff "could have dated back to late 2006," i.e., one year prior to the October 2007 Spinoff); id. at ¶ 17 (explaining that Movants can obtain email covering the "entire agreed period" by restoration of Peabody backup tapes).

point. Providing only four such points unacceptably multiplies the risk that the Movants will never discover such emails.

9. Peabody's offer is even more problematic with respect to sent mail. Email sent by a Peabody custodian to a non-custodian (say, Peabody's CEO, whose email Peabody insists may not be searched) or to someone outside the company (say, to a financial advisor in connection with the Spinoff) will only be produced if it falls within 60 days of the restoration point. And Peabody's argument that email sent to other Peabody custodians will be captured by the restoration of received email depends on the completeness of Peabody's restoration of received email, which Peabody apparently wishes to leave to chance and the Movants' ability to "strategically" choose dates based on limited insight into Peabody's email system.

10. Further, Peabody states outright that the volume of responsive information that would be withheld under its proposal would be substantial, estimating it at "hundreds of thousands of additional pages of email and attachments." (Obj. at 2.) While automated de-duplication should reduce the number of additional documents Peabody must review and produce, Peabody's estimate is a tacit admission that the approach it has proposed would deprive the Movants of a sizable portion of responsive electronic documents from the pre-Spinoff period.

11. In light of the limited burden to Peabody and the certainty that responsive material would otherwise be missed—which Peabody readily admits—the Movants' need for comprehensive discovery provides "good cause" to order Peabody to restore email for one restoration point per month.[10] Indeed, in the context of Rule 26 of the Federal Rules of Civil Procedure, which Peabody touts as replete with "protections" absent in Rule 2004 discovery

[10] While Peabody declares—without citing any support—that backup tapes are "routinely considered 'inaccessible'" (Obj. at ¶ 16), Peabody neither argues that its own tapes are "inaccessible" nor counters the Movants' showing that its tapes are not "inaccessible" given the low incremental cost of extracting the tape data. See Overlap, Inc. v. Alliance Bernstein Invs., Inc., No. 07-0161, 2008 WL 5780994, at *2 (W.D. Mo. Dec. 29, 2008).

(Obj. at ¶ 26), courts routinely order the restoration of email from backup tapes when relevant documents are not available from any other source. See Veeco Instruments Inc., 2007 WL 983987, at *1 (ordering restoration of backup tapes because, among other things, it had "not been demonstrated that [the] information [was] reasonably available from any other easily accessed source"); Disability Rights Council of Greater Wash. v. Wash. Metro. Transit Auth., 242 F.R.D. 139, 148 (D.D.C. 2007) (ordering a search of backup tapes where "the request [was] for the emails of specific persons, and there [was] absolutely no other source from which the electronically stored information can be secured").

2. Peabody Must Conduct a Diligent Search for Responsive Non-Email Electronic Documents

12. Peabody's Rule 2004 discovery obligations require that it conduct a diligent search for responsive non-email electronic documents where responsive documents are likely to be found. The Objection concedes as much, as Peabody represents that it has searched "electronic folders likely to contain responsive information" (Obj. at ¶ 24), and does not dispute that Peabody is charged with knowledge of the documents in its possession. Yet, Peabody asserts that Movants demand that Peabody "make exhaustive searches through reams of corporate records" (Obj. at 6) in "any conceivable location" (Obj. at ¶ 26). This is wrong; as the Motion states: "Movants do not demand that Peabody conduct a wholesale search of its global operations or search for documents in locations where such documents are not likely to be found." (Mot. at ¶ 24 n.7.)

13. Movants do not dispute that Peabody may conduct its search by reviewing the computers and storage devices of the custodians, the folders in which they stored documents, the folders to which they had access, and the folders the custodians identify as likely to contain responsive data. But the agreed custodians were selected because of their involvement in the

Spinoff, not because they have any particular insight into how Peabody stores its records. Accordingly, if Peabody knows or learns through its search that documents responsive to the agreed discovery requests are located in some other location—if, for example, a custodian's files were moved without the custodian's knowledge, or if Peabody's searches reveal that responsive documents were collected in a centralized file that no custodian remembered to identify—those locations should also be searched. Peabody cannot willfully neglect to search a location it knows contains responsive documents simply because the agreed custodians failed to mention that location or because documents were moved in the time since the Spinoff.

C. The UMWA Should Not Be Excluded from the Rule 2004 Investigation

14. Peabody argues that the UMWA should be barred from participating as a member of the Committee and a fiduciary for unsecured creditors as a whole in the Committee's Rule 2004 discovery of Peabody because the UMWA has sued Peabody in the West Virginia Action. (Obj. at ¶¶ 29-32.) This contention lacks merit.

15. First, the "pending proceeding" rule does not apply. It is the Committee and the Debtors that seek discovery from Peabody pursuant to Rule 2004, not the UMWA. Neither the Debtors nor the Committee are parties to the West Virginia Action. There is, therefore, no "pending proceeding" relevant to the Movants' request. Peabody has cited no authority—and the Committee is aware of none—applying the "pending proceeding" rule to limit an investigation by a creditors' committee based an individual litigation brought by one committee member.[11]

[11] In any case, various courts treat the "rule" as discretionary. See, e.g., In re Int'l Fibercom, 283 B.R. 290, 292 (Bankr. D. Ariz. 2002) (noting court's "ultimate discretion" to allow Rule 2004 notwithstanding pending proceedings). Some courts also view the rule to be inapplicable with non-bankruptcy proceedings. See, e.g., In re Ramadan, No. 11-2734, 2012 Bankr. LEXIS 1602, at *7 (Bankr. E.D.N.C. Apr. 12, 2012) ("Some courts . . . find the rule inapplicable in situations where there is only non-bankruptcy collateral litigation.").

16. Second, proper functioning of the Committee depends on the active participation of its members, who are fiduciaries for unsecured creditors as a whole. In the case of a Committee investigation, such participation requires that each Committee member be able to receive appropriate advice from counsel and review the results of the investigation. Barring the UMWA from participating in the investigation interferes with the proper operation of the Committee and the exercise of the UMWA's fiduciary obligations.

17. Third, contrary to Peabody's suggestion, there is no danger of misuse of materials produced by Peabody under the Rule 2004 subpoena. In fact, the parties have largely agreed to the form of a protective order that imposes strict "use" restrictions on Committee members, expressly prohibiting the use of Rule 2004 discovery for matters outside this case, such as the West Virginia Action. To provide Peabody with additional assurance, moreover, the UMWA will exclude individuals involved in the West Virginia Action from the Committee's discovery review. This is not a mere "representation," as Peabody claims (Obj. at ¶ 32), but a provision in what the parties contemplate will ultimately be a Court order. The sole qualification to this rule would be the UMWA's General Counsel, who, as a condition of receiving Peabody documents, would be barred from further participation in the West Virginia Action. This represents a reasonable compromise and gives Peabody ample protection against any misuse of material it may produce in this proceeding.

CONCLUSION

WHEREFORE, and for the reasons stated in the Motion, the Movants respectfully request the Court (i) issue an Order authorizing the Movants to propound on Peabody a subpoena substantially in the form of Appendix A attached to the Motion; and (ii) grant such other and further relief as is just and proper.

Dated: New York, New York
April 21, 2013

Respectfully Submitted,

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SCHEDULE 1
(Debtor Entities)

1. Affinity Mining Company
2. Apogee Coal Company, LLC
3. Appalachia Mine Services, LLC
4. Beaver Dam Coal Company, LLC
5. Big Eagle, LLC
6. Big Eagle Rail, LLC
7. Black Stallion Coal Company, LLC
8. Black Walnut Coal Company
9. Bluegrass Mine Services, LLC
10. Brook Trout Coal, LLC
11. Catenary Coal Company, LLC
12. Central States Coal Reserves of Kentucky, LLC
13. Charles Coal Company, LLC
14. Cleaton Coal Company
15. Coal Clean LLC
16. Coal Properties, LLC
17. Coal Reserve Holding Limited Liability Company No. 2
18. Colony Bay Coal Company
19. Cook Mountain Coal Company, LLC
20. Corydon Resources LLC
21. Coventry Mining Services, LLC
22. Coyote Coal Company LLC
23. Cub Branch Coal Company LLC
24. Dakota LLC
25. Day LLC
26. Dixon Mining Company, LLC
27. Dodge Hill Holding JV, LLC
28. Dodge Hill Mining Company, LLC
29. Dodge Hill of Kentucky, LLC
30. EACC Camps, Inc.
31. Eastern Associated Coal, LLC
32. Eastern Coal Company, LLC
33. Eastern Royalty, LLC
34. Emerald Processing, L.L.C.
35. Gateway Eagle Coal Company, LLC
36. Grand Eagle Mining, LLC
37. Heritage Coal Company LLC
38. Highland Mining Company, LLC
39. Hillside Mining Company
40. Hobet Mining, LLC
41. Indian Hill Company LLC
42. Infinity Coal Sales, LLC
43. Interior Holdings, LLC
44. IO Coal LLC
45. Jarrell's Branch Coal Company
46. Jupiter Holdings LLC
47. Kanawha Eagle Coal, LLC
48. Kanawha River Ventures I, LLC
49. Kanawha River Ventures II, LLC
50. Kanawha River Ventures III, LLC
51. KE Ventures, LLC
52. Little Creek LLC
53. Logan Fork Coal Company
54. Magnum Coal Company LLC
55. Magnum Coal Sales LLC
56. Martinka Coal Company, LLC
57. Midland Trail Energy LLC
58. Midwest Coal Resources II, LLC
59. Mountain View Coal Company, LLC
60. New Trout Coal Holdings II, LLC
61. Newtown Energy, Inc.
62. North Page Coal Corp.
63. Ohio County Coal Company, LLC
64. Panther LLC
65. Patriot Beaver Dam Holdings, LLC
66. Patriot Coal Company, L.P.
67. Patriot Coal Corporation
68. Patriot Coal Sales LLC
69. Patriot Coal Services LLC
70. Patriot Leasing Company LLC
71. Patriot Midwest Holdings, LLC
72. Patriot Reserve Holdings, LLC
73. Patriot Trading LLC
74. PCX Enterprises, Inc.
75. Pine Ridge Coal Company, LLC
76. Pond Creek Land Resources, LLC
77. Pond Fork Processing LLC
78. Remington Holdings LLC
79. Remington II LLC
80. Remington LLC
81. Rivers Edge Mining, Inc.
82. Robin Land Company, LLC
83. Sentry Mining, LLC
84. Snowberry Land Company
85. Speed Mining LLC
86. Sterling Smokeless Coal Company, LLC
87. TC Sales Company, LLC
88. The Presidents Energy Company LLC
89. Thunderhill Coal LLC
90. Trout Coal Holdings, LLC
91. Union County Coal Co., LLC
92. Viper LLC
93. Weatherby Processing LLC
94. Wildcat Energy LLC
95. Wildcat, LLC
96. Will Scarlet Properties LLC
97. Winchester LLC
98. Winifrede Dock Limited Liability Company
99. Yankeetown Dock, LLC

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
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In re **PATRIOT COAL CORPORATION, *et al.*,** **Debtors.**	**Chapter 11** **Case No. 12-51502-659** **(Jointly Administered)**

SUMMARY OF EXHIBITS

The following exhibits (the "**Exhibits**") referenced in the Reply of the Debtors and the Official Committee of Unsecured Creditors to Peabody's Objection to the Motion for Leave to Conduct Discovery of Peabody Energy Corporation Pursuant to Rule 2004 will be served on the Court, the office of the U.S. Trustee, counsel to the administrative agents for the Debtors' postpetition lenders, and Peabody.[1] Copies of the Exhibits will be made available at *www.patriotcaseinformation.com/exhibits.php* and will be made available for inspection at the hearing.

Exhibit A:	A true and correct copy of a March 12, 2013 letter sent by counsel for the Debtors and counsel for the Committee to Peabody's counsel.
Exhibit B:	A true and correct copy of an April 2, 2009 Bloomberg.com article, which was retrieved electronically on April 18, 2013 from http://www.bloomberg.com/apps /news?sid=aPtWMAe.BFpo&pid=newsarchive.

[1] Capitalized terms not defined herein have the meaning ascribed to them in the Motion of the Debtors and the Official Committee of Unsecured Creditors for Leave to Conduct Discovery of Peabody Energy Corporation Pursuant to Rule 2004 [ECF 3494].

Dated: New York, New York
April 21, 2013

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